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12 Attorneys for Defendants United Alloys, Inc., a California Corporation, and Ron Donn,  
13 an individual

14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA

16 LOS ANGELES UNIFIED SCHOOL  
17 DISTRICT,

18 Plaintiff,

19 vs.

20 UNITED ALLOYS, INC., a California  
21 Corporation; UNITED ALLOYS &  
22 METALS, INC., a California Corporation;  
23 RON DONN, an individual, and DOES 1  
24 through 100,

25 Defendants.  
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**Case No. CV 12-5033 CAS (RZx)**

**DEFENDANT RON DONN'S NOTICE  
OF MOTION AND MOTION TO  
DISMISS OR FOR MORE DEFINITE  
STATEMENT OF PLAINTIFF'S  
SECOND AMENDED COMPLAINT**

**Date: September 23, 2013**

**Time: 10:00 a.m.**

**Courtroom: 5 – 2<sup>nd</sup> Floor**

**Judge: Hon. Christina A. Snyder**

**Complaint Filed: June 8, 2012**

[Submitted Concurrently with  
Memorandum of Points and Authorities in  
Support of Motion to Dismiss or for More  
Definite Statement, and Proposed Order]

**TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE**, hereby given, that on September 23, 2013 at 10:00 a.m., or as soon thereafter as the matter may be heard, before the Honorable Christina A. Snyder, Courtroom 5 on the 2<sup>nd</sup> floor of the United States District Court for the Central District of California, 312 North Spring Street, Los Angeles, CA 90012, Defendant Ron Donn will move the Court for an Order, pursuant to Federal Rule of Civil Procedure 12(b) and 12(e), dismissing all claims for relief in the Second Amended Complaint filed by Plaintiff Los Angeles Unified School District ("LAUSD"). The Motion is made on the following grounds:

The Motion is made on the following grounds:

1. LAUSD's Second Amended Complaint fails to state a claim plausible on its face;
2. The Second Amended Complaint is an impermissible shotgun pleading;
3. The Second Amended Complaint fails to state a claim for relief under CERCLA Section 107(a);
4. The Second Amended Complaint fails to state a claim for declaratory relief under CERCLA;
5. The Second Amended Complaint fails to state a claim for response costs and declaratory relief under the Carpenter-Presley-Tanner Hazardous Substance Account Act ("HSAA");
6. The Second Amended Complaint lacks sufficient facts to maintain a cognizable legal claim under CERCLA against defendant Ron Donn;
7. The Second Amended Complaint fails to state a claim under California state law and lacks sufficient facts to demonstrate that the state law claims are not barred by the statute of limitations;
8. The RCRA claim is procedurally improper; and
9. The Second Amended Complaint fails to plead recoverable attorney's fees.

1 The Motion is based on this Notice, the concurrently filed Memorandum of Points  
2 and Authorities in support thereof, all pleadings and papers on file in the action, all other  
3 matters of which the Court may take judicial notice, and such other and further matters as  
4 may be presented to the Court at or in connection with the hearing.

5 Pursuant to Local Rule 7-3, by letter and email correspondence, the parties met and  
6 conferred on the proposed motion but were unable to resolve their differences.  
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9 Dated: August 1, 2013

CASTELLÓN & FUNDERBURK LLP

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14 By: 

15 William W. Funderburk Jr.

16 Attorneys for Defendants

17 UNITED ALLOYS, INC. and RON DONN  
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